DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 1/22/2010

Claims 28-31, 33-35 and 37-39 are pending in this application. Claims 28, 33, 37 and 38 are independent claims. In the amendment filed 1/22/2010, claims 28-31, 33-35 and 37-38 were amended and claim 39 was added as new. This action is made Final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 28-31, 33-35 and 37-39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zadesky et al (US 7499040) in view of Beaton et al. (US 6037937).

In regards to claim 28, Zadesky teaches a method, comprising: sensing a directional movement sensor couples to a lower section of a computer system having an upper section parallel to the lower section (See Figures 3a and 6);

adjusting information displayed on a display of the computer system, the information displayed correlated to the directional movement (See Column 7, Lines 41-60);

sensing external pressure on the upper section, the external pressure to move a plane of the upper section; and translating the external pressure on the upper section to a mouse click action associated with an operation corresponding to the movement of the plane of the upper section relative to the lower section of the computer system (See Column 7, Lines 1-24 and Figures 7A-7D).

Zadesky does not specifically teach that the display is part of the upper section. Beaton teaches the user of a touch screen to navigate a GUI. It would have been obvious to one of ordinary skilled in the art at the time of the invention to modify Zadesky with the teachings of Beaton and include a touch screen with the motivation to provide users with an easier to use interface.

In regards to claim 29, Zadesky teaches the method of claim 28, wherein the movement sensor is an optical sensor or a mechanical sensor (Figures 7A-7D).

In regards to claim 30, Zadesky teaches the method of claim 28, wherein the movement sensor is a trackball (See Column 2, Lines 3-14).

In regards to claim 31, Zadesky teaches the method of claim 28, further comprising: correlating the directional movement to a cursor movement on the display of the computer system (See Column 2, Lines 3-14).

In regards to claim 33, Zadesky teaches a method, comprising: sensing an external pressure on an upper section of a computer system, the external pressure to move a plane of the upper section of the computer system; and translating the external pressure on the upper section to a mouse clicking action associated with an operation corresponding to the movement of the plane of the upper section relative to the lower section of a of the computer system (See Column 7, Lines 1-24 and Figures 7A-7D).

Zadesky does not specifically teach that the display is part of the upper section. Beaton teaches the user of a touch screen to navigate a GUI. It would have been obvious to one of ordinary skilled in the art at the time of the invention to modify Zadesky with the teachings of Beaton and include a touch screen with the motivation to provide users with an easier to use interface.

In regards to claim 34, Zadesky teaches the method of claim 33, wherein the external pressure is applied towards a movement sensor coupled to the lower section of the computer. (see Figures 7A-7D).

In regards to claim 35, Zadesky teaches the method of claim 33 further comprising: translating the external pressure to a first mouse clicking action when the external pressure is applied to a first portion of the upper section so that the plane of the upper section intersects the lower section:. translating the external pressure to a second mouse clicking action when the external pressure is applied to a second portion of the

upper section so that the plane of the upper section intersects the lower section: and translating the external pressure to a third mouse clicking action when the external pressure is applied to a central region of the upper section so that the entire plane of the upper section moves towards the lower section. (See Column 10, Lines 15-32).

Claim 37 is similar in scope to claim 28; therefore it is rejected under similar rationale.

Claim 38 is similar in scope to claim 33; therefore it is rejected under similar rationale.

Claim 39 is similar in scope to claim 35; therefore it is rejected under similar rationale.

Response to Arguments

Applicant's arguments with respect to claims 28-31, 33-35 and 37-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571)272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boris Pesin/
Primary Examiner, Art Unit 2174